



CHILD PROTECTION LEGISLATION

General Background: Sex offenders inflict an immense amount of physical, emotional and psychological damage on their victims-- especially children.

- Washington has enacted some of the strongest registration and notification laws in the nation and we were the first state in the nation to implement involuntary civil commitment for the most dangerous sexual predators.
- Despite this, our expert attorneys in the AGO Sexually Violent Predator unit, in their work with prosecutors across the state, have discovered some inadequacies in Washington's sex offender laws—particularly in the area of protecting children.

Crimes committed with “sexual motivation:” Some non-sexual crimes may be charged as having been committed with “sexual motivation,” if the defendant committed the crime for the purpose of sexual gratification. Examples include a burglary with the intent to commit a sex offense that was interrupted before the attack occurred or a kidnapping where the defendant intends to molest a child but the child is recovered before the defendant attacks.

Two strike offenses: Crimes that count as “strikes” in Washington's “Two Strikes” law for sex offenses, include second degree assault with sexual motivation and first degree assault of a child with sexual motivation but not second degree assault of a child with sexual motivation. Second degree assault includes assault with a deadly weapon or assault with substantial bodily harm.

Sex offender registration: Washington had one of the first sex offender registration statutes in the country. It is one of the most powerful tools law enforcement has to prevent convicted offenders from reoffending.

- In Washington, more than 670 sex offenders are registered as homeless. A recent news story showed many of these offenders are deemed the most dangerous and most likely to reoffend, yet law-enforcement officials have no way of tracking them, and residents are often unaware of potential threats.
- Authorities report that out of every 10 sex offenders who report they are homeless, two or three actually are living at a specific address. (Source: *Seattle Times*, 12.29.05)

Possession of child pornography: Possession of child pornography is currently an unranked felony with a maximum term of only one year—and most offenders get much less than that.

- In a 2000 study issued by the Federal Bureau of Prisons, 76 percent of offenders convicted of internet-related crimes against children admitted to contact sex crimes with children previously undetected by law enforcement and had an average of 30.5 child sex victims each.

(Source: http://www.ndaa-pri.org/publications/newsletters/child_sexual_exploitation_update_volume_1_number_3_2004.html)

Statute of limitations on DNA cases: The current statute of limitations for various sex crimes runs between three and 10 years, yet sometimes in cases where the victim doesn't know his or her attacker, but the attacker leaves biological evidence, it can be many years before law enforcement finds a match.

Legislative Proposals

- Mandatory prison terms for crimes committed with sexual motivation:
 - Minimum one year for class C felonies;
 - Double enhancements for second-time offenders; and
 - Clarify that enhancements can be added to misdemeanors as well.
- Make second degree assault of child 2nd with sexual motivation a “strike.”
- Increase the penalty for possession of child pornography from an unranked felony to a Level VI with a minimum one year of prison time.
- Strengthen the sex offender registration statute by requiring more frequent registration for the most dangerous offenders and criminalizing the act of aiding or abetting an offender who is evading registration requirements.
- Continue residency restrictions approved by the Legislature in 2005, which prohibit sex offenders from living within 880 feet of a public or private school, and make these restrictions consistent statewide.
- Extend statute of limitations in DNA cases to allow for prosecution when a DNA match is found.
- SSOSA/SSODA sentencing alternatives for otherwise qualifying sex offenders are only available if the offender affirmatively admits he or she committed the crime charged. SSOSA/SSODA unavailable if the offender enters an *Alford* plea (*Alford* plea has the same effect as a guilty plea, but all the offender admits to in an *Alford* plea is that the State has sufficient evidence to convict the offender; the offender does not admit guilt).